

### **REMARKS/ARGUMENTS**

This paper is submitted in response to the Office Action dated March 17, 2008. At that time, claims 1-11, 13-21, 23-29, and 31-50 were pending. Claims 35-39 had been withdrawn in response to a previous restriction requirement. In the Office Action, the Examiner objected to claims 13-15. As a result of this paper, these claims have been amended so that these claims now properly depend from claim 11. Withdrawal of this rejection is respectfully requested.

The Office Action also rejected claims 1, 3-11, 13-15, 27-29, 31-34, and 40-50 under 35 U.S.C. § 112, first paragraph and 35 U.S.C. § 112, second paragraph. Claims 16-22, 24, and 25 were rejected under 35 U.S.C. § 102(b) as being anticipated by Yokata (U.S. Patent No. 6,406,056). Claims 1, 3, 4, 7-10, 24-29, 32, 33, 34, 40-44, and 47-50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yokata in view of Bauer (U.S. Patent No. 5,744,776). Claims 5, 6, 11, 13-15, 23, 31, and 46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yokata in view of Bauer and further in view of Goestenkers et al. (U.S. Patent No. 5,303,951).

By this paper, Applicant responds to these issues. Favorable consideration is respectfully requested.

#### **35 U.S.C. § 112, 1<sup>st</sup> Paragraph Rejection**

Claims 1, 3-11, 13-15, 27-29, 31-34, and 40-50 were rejected under 35 U.S.C. § 112, first paragraph on grounds that these claims recite the element that "a substrate surface...lacks a tear seam" and that such element appears to contradict the specification which teaches a tear seam in paragraph [0040]. As a result of this paper, the claims have been amended to clarify that there is no tear seam in the "skin and foam" overlay, *i.e.*, the top layer. This amendment is not inconsistent with the specification, as the specification teaches a tear seam that is below the skin-and-foam overlay. See paragraph [0040] and [0044]. Accordingly, Applicant believes that this amendment clarifies the claims and that there are no inconsistencies therein. Withdrawal of this rejection is respectfully requested.

### **35 U.S.C. § 112, 2<sup>nd</sup> Paragraph Rejection**

Claims 1, 3-11, 13-15, 27-29, 31-34, and 40-50 were rejected under 35 U.S.C. § 112, second paragraph based upon the alleged “inconsistency” with the specification. As noted above, the claims are amended to claim the embodiments in which the skin-and-foam overlay does not include the tear seam—*i.e.*, the tear seam passes partially through the cover 52, but not into the overlay. This is one of the embodiments taught in paragraph [0040] and also in paragraph [0044].

With respect to claim 16 and 21, these claims have also been amended to address the issues raised by the Examiner. Specifically, the claims have been amended to clarify which substrate surface is referenced. Similar amendments have been made to claims 17 and 27 to clarify the “orifice” and the dashboard panel, respectively.

Accordingly, Applicant submits that these amendments have addressed the issues raised by the Examiner. Withdrawal of these rejections is respectfully requested.

### **35 U.S.C. § 102 Rejection**

Claims 16-22, 24, and 25 have been rejected under § 102(b) as being anticipated by Yokata. This rejection is respectfully traversed. The MPEP teaches that a rejection under § 102 requires that each claim element be disclosed by the reference. *See* MPEP § 2142. In the present case, claims 16-22, 24, and 25 all require that there be no tear seam in the skin-and-foam overlay (which is the top layer visible to the vehicle occupant). Yokata clearly teaches a system in which the top layer includes a tear seam, as found in element 36 of Figure 1 of Yokata. Accordingly, as all claim elements are not disclosed by Yokata, this reference cannot be used to anticipate the present claims. Withdrawal of this rejection is respectfully requested.

### **35 U.S.C. § 103(a) Rejections**

Claims 1, 3, 4, 7-10, 24-29, 32-34, 40-44, and 47-50 were rejected under § 103(a) based upon Yokato in combination with Bauer. This rejection is respectfully traversed. The MPEP teaches that a rejection under § 103(a) requires that each claim element be taught or suggested in the cited references. *See* MPEP § 2143.03.

In the present case, the independent claims 1, 11, 27, 40 all require that either the instrument panel substrate or the dashboard panel substrate includes the orifice. As shown in the Figures, this orifice is an opening underneath the skin-and-foam overlay. To the extent that Yakato's element 26 comprises the dashboard/instrument panel, this feature does not include an orifice, as shown in Figure 1 of Yakato. Likewise, Bauer does not teach or disclose this element. Accordingly, withdrawal of this rejection is respectfully requested.

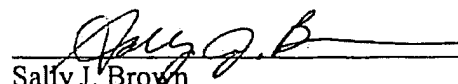
Claims 3, 4, 7-10, 24-26 and 28-29, 32-34, 41-44, and 47-50 are all dependent claims that likewise require that either the instrument panel substrate or the dashboard panel substrate includes the orifice. Accordingly, such dependent claims are likewise allowable for the same reasons as put forth herein.

With respect to claims 5, 6, 11, 13-15, 23, 31, and 46 that were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yokata in view of Bauer and further in view of Goestenkors, this combination also fails to teach the elements regarding the orifice in the instrument/dashboard panel. Withdrawal of this rejection is respectfully requested.

#### **Conclusion**

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

  
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